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ABSTRACT

A bargaining process, begun over 10 years ago, is based on problem-solving rather than on adversarial confrontation and uses elements of participative management. It has resulted in outstanding benefits for two school districts. Called "Theory Z bargaining," the process follows a procedure based on each side treating the other with respect. Bargaining may occur at any time to resolve a problem. Monthly meetings are held to discuss and solve many of the problems that occur in school districts. The history of the model with its benefits and difficulties for the two districts is traced. The appendixes contain a caveat to teacher association leaders and a letter from an out-of-state superintendent reporting favorable results from using the bargaining model. (MLF)

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Preface

Collective bargaining in Oregon, as in other parts of the country, has created much controversy, hostility, and tension. This Bulletin describes a bargaining process, begun over ten years ago, that is based on problem solving rather than on adversarial confrontation and that uses elements of participative management.

The process may not be for every school district; however, as described in this Bulletin, two school districts that use the process report outstanding benefits.

The Bulletin was written by Marilyn Pheasant, OSSC graduate research assistant. Pheasant is a doctoral student in the Department of Educational Policy and Management, College of Education, University of Oregon.

Philip K. Piele
Executive Secretary

Introduction

"Teachers strike!" This headline has appeared several times in Oregon newspapers. Teachers in various Oregon school districts have struck a dozen times since the law that allowed such walkouts went into effect in 1973, according to Nancy Ruiz, mediator with the State Conciliation Service. In many Oregon communities threatened teacher strikes have been settled just before the deadline.

In the aftermath of a teachers' strike, some communities have been divided for years. Even when settlement is reached just before strike deadline, both sides have usually hardened their positions. Tempers flare, names are called, and colleagues become adversaries. Very frequently hard feelings develop between the administration and the teaching staff that affects the education of students.

Two Oregon school districts, taking a different approach to educator bargaining, follow a model based on problem solving. Each side treats the other with respect. Bargaining may occur at any time to resolve a problem. Monthly meetings are held to discuss and solve many of the problems that occur in school districts. Administrators and teachers work together.

This process was developed by Donald L. Charles when he was superintendent of North Clackamas School District. It will be described as it originally operated in North Clackamas; as it is now in effect in Lake Oswego, where Charles is currently superintendent; and as it now operates in North Clackamas, where Superintendent Ben Schellenberg has retained and modified the model.

Some confusion centers on what to call the process. It was originally called "continuous bargaining" by Ken Erickson of the Division of

Educational Policy and Management, College of Education, University of Oregon. This term, though true, does not really describe the model. Don Charles has called it "sophisticated bargaining," a name also used by Roy Dancer, UniServ representative, Willamette Falls Bargaining Unit, and by Larry Nyland, Pasco, Washington, superintendent. This is sophisticated bargaining; however, the process goes beyond bargaining to contract management and all areas of employee relations.

What makes assigning a name so difficult is the complexity of the process. So many elements enter into the model that it cannot be described by just one or a few words. With equal justification, the model could be called continuous bargaining, sophisticated bargaining, cooperative bargaining, problem-solving bargaining, respectful bargaining, sincere bargaining, patient bargaining, consensus bargaining, and so forth.

The model does share a number of characteristics with the Japanese management philosophy described by William G. Ouchi as "Theory Z." Among Theory Z's principles and techniques are the following:

- unity between management and union on the goals of the organization
- cooperative team approach
  genuine concern for employee welfare
- consensus decision-making
- emphasis on problem solving
- structures and styles that facilitate communication
- concern beyond short-term benefits

As the pages that follow make clear, the collective bargaining process in North Clackamas and Lake Oswego School Districts is distinguished by many of these same principles. The Oregon School Study Council proposes, therefore, that the process be called Theory Z bargaining.

Hostility Turns to Cooperation in North Clackamas

North Clackamas School District No. 12 was formed in 1971 by consolidating five smaller districts into Oregon's fifth largest. Not unexpectedly, many problems were associated with the creation of the new district. Donald Charles has written (1978) that the problems were further complicated by the collective bargaining law passed in 1973. At that time, Charles was assistant superintendent at North Clackamas--the administrator who was at the table with the outside attorney hired to represent the school district during the first two years of collective bargaining. "Both of those first years were really tough," Charles states.

The first year, 1972-73, the teachers voted to strike. They wore black armbands and picketed the administration building during board meetings. Settlement was reached just hours before the strike deadline, and only because the school board made what they considered to be major concessions. The following year--the second year of collective bargaining- the situation was much the same. Again the teachers wore black armbands and demonstrated; however, settlement was reached at fact-finding. It was a time of conflict and confrontation. Charles wrote:

> During those two years the Board employed a professional negotiator to represent them at the bargaining table. While that procedure has been widely used and advocated by most observers, the outcome was not good in the North Clackamas District. The negotiator's presence seemed only to make the association more argumentative and unyielding in their demands.
>
> During both years when outside negotiators were employed, we were not able to reach settlement until factfinding--a process which introduced a number of undesirable items into our contract. (1978)

In 1974 the superintendent left the district, and Charles was appointed to replace him. One of Charles's highest priorities was to

try to change the hostile atmosphere that had developed in the district between the board, the administration, and the teachers.

That summer Charles heard Chuck Pyron, then with the School of Business Adminstration at the University of Oregon, speak about an alternative method of collective bargaining. In essence Pyron's premise was that teachers do not want to run the school district, but they do want to be treated with professional respect and to receive fair pay. Charles took three assistant superintendents with him and spent two days with Pyron. On their return, he wrote the proposal. "It really is so simple that it is kind of embarrassing," Charles commented. He was surprised that both the board and the teachers association accepted the proposal.

> I think that if North Clackamas had not had the two years of very bitter negotiations, perhaps neither the association nor the board would have accepted my proposal. But it was evident that bitterness was harming the teachers' effectiveness and the board's effectiveness. Very little else was going on. I am not sure that either side would have accepted it without the bitterness.

Betty Drew, past president of North Clackamas Education Association, who was on the bargaining team when the proposal was implemented, pointed out that the association was working to try to change the confrontational situation by developing another approach. They were not able to get very far, however, until Don Charles met them half way.

The proposal was implemented that year, 1974; it has been successful since that time.

The Proposal

The components of the proposal are as follows:

1. Each side would bargain for itself with no outside help at the bargaining table.
2. They would each have a team of eight.

3. Teachers would not bargain "boilerplate," but would bargain only those issues pertinent to people in North Clackamas district.
4. The teams would meet monthly to discuss any problems they had.
5. By mutual agreement, they could even negotiate the contract whenever a problem was found, or when they felt it was desirable.

To implement the first element of the proposal, the school board would no longer hire a professional negotiator. However, Jeanne Mackie, president, North Clackamas Education Association, and Drew, past president, stressed that the teachers did not give up any rights because they joined in the proposal. Drew, the teachers' spokesperson for seven years and a team member when the proposal was accepted, stated, "We have always retained the right to take whom we choose to either the bargaining table or to the monthly meetings." Mackie stressed, "If we so chose, we could bring in a UniServ consultant. But we don't choose to do so." The teacher spokesperson does not change during a schoolyear, but the teachers may bring their UniServ representative to the table as a consultant.

Next, Charles felt at the time he developed the proposal that, because of the organizational structure of the district, it was important that there be eight team members on the administration's side. He thought it wise to have an administrator from each level, and the business manager was included on management's team. The teachers would also have an eight-member team.

Third, in those days the teachers would frequently bargain items that were only of interest to the state or national association. The teachers agreed not to bring items that were not relevant to them. This was another area that Charles said he was surprised that the

teachers accepted.

Fourth, the bargaining process would be continuous. Problems could not build up if there were a monthly meeting to seek solutions.

Finally, Charles's proposal asked the board to give the administrative team wide latitude to negotiate noneconomic issues. Of course, the board would give final approval to anything negotiated. The board would be heavily involved before economic benefits were bargained.

Superintendent Becomes Team Spokesperson

Two major developments in the bargaining concept occurred while Don Charles was still superintendent of North Clackamas. He became spokesperson for the administration's team, and he was able to convince the board to make their first offer their best offer. Both of these developments, as Charles points out, fly in the face of the research and the strategists.

When Charles had been assistant superintendent, one of his duties was collective bargaining; accordingly, the board had sent him to many of the initial workshops on collective bargaining that had been held in the state. However, Charles had determined that as superintendent he would not be spokesperson for the bargaining team. Then during the second year of the process, Charles did become the spokesperson. He took this step because he wanted to ensure the success of the program by having a spokesperson on the district's team who was as experienced as the spokesperson on the other side. Charles states, "I was the only one who had had that experience--and it worked!" He told the board that if it would hurt the district or hurt him and his effectiveness, they could renove him from the team. But it was not necessary to do this.

From the start, Charles had worked to have the board make their first offer their best offer instead of agreeing that their limit would

be, say, 6 percent, then starting at 2 percent and bargaining up. This change did work. Each year the board would determine a reasonable figure and then stick to it.

Process Faces Crises

In 1977, the third year the proposal was in effect, a major threat occurred. The newly elected officers of the association were not pleased with the new process and wanted to return to hard bargaining. But some of the members who had been heavily involved, both in the days when there was much friction as well as in the early stages of the new process, persuaded the new officers to continue with it.

In 1978 the bargaining did go to mediation and then to factfinding. The factfinder, a professor from the University of Washington, recommended that the teachers' association approve the board's offer. Charles believes the factfinder did this because he was persuaded that the board's first offer had been reasonable.

It was summer vacation when this occurred, and the teachers held a big rally in a park. Even though the teachers did not approve of the factfinder's report, the association officers recommended acceptance, and the teachers attending the meeting voted to accept. Charles, the administration's team, and the board were relieved. It was then, Charles explains, that "the process, we felt, was assimilated--institutionalized." Charles wrote in 1978:

> The transformation since that proposal was adopted by both the Board and the association is hard to describe to someone outside the district. The most important benefits of our new mode of negotiating may well be in the improved attitude and feeling of cooperation and trust between teachers and administrators.

In 1985 Mackie, Drew, and Tom Everitt, North Clackamas personnel director, stressed that feelings of trust and cooperation between

teachers and administrators have deepened and grown stronger over the years.

Quicker Negotiations and Other Benefits

In addition to the attitudes of mutual problem solving and cooperation, during the period Don Charles was at North Clackamas the time spent on negotiations was often greatly reduced. For example, in 1977 negotiations required only 25 to 30 hours. Charles wrote that teachers changed their concerns from "union" business to curriculum and student achievement. (In the teachers' view, they felt they had stabilized their position as a union.)

The teachers' association helped the district pass budget levies, even when agreement on salary matters had not been reached. The association became a helpful ally in other areas. Charles cites an example:

> A few teachers in an elementary school were attacking a principal and going to the parents to gain support. The association assisted the administration in stopping that conduct. Then a needs assessment helped solve a number of the problems at the school.

The monthly meetings have stopped many rumors and speculation and prevented misunderstandings. They also allow problems to be attacked before they become major issues.

Results Overcome Skepticism

When Charles started the program, some people associated with the Oregon School Boards Association as well as the Oregon Education Association were clearly skeptical. He was asked to make a presentation at the National School Boards Association convention and to other groups. About this he said, "A lot more attention was given to us out of the state than within the state because, I think, a lot of administrative personnel and

board members thought that we were soft and caving in and giving up things that we shouldn't." (A president of the North Clackamas Education Association told Charles that some of his state association people had concluded that the association must be weak to agree to bargain in that manner.)

However, when the contract was analyzed by an Oregon School Boards Association staff member, the analysis showed the contract was one of the better ones in terms of retaining management positions from the time the process was implemented. The contract, he said, did have a number of questionable items; however, in every instance those items entered the contract because of the factfinding process, and they entered before the new bargaining process had been implemented. Charles stated, "I believe the factfinder gives each side certain things, and you have to accept it. You end up sometimes with some silly things in the contract."

Another analysis shows that Charles may have bargained <u>too</u> successfully. In a salary schedule analysis of twenty-three Oregon metropolitan area school districts, the North Clackamas School District fell from about third to about fifteenth in relative salary rates during the time Charles was doing the bargaining. (Alton Smedstad, superintendent of Hillsboro Elementary District, did the analysis.) Charles regrets this decline; since then, the district has sought to restore salaries to their previous relative position.

Lake Oswego Hires Charles and Gets a New Bargaining Model

In 1980 Don Charles chose to accept the superintendency in Lake Oswego. There the situation was much as it had been when he became superintendent in North Clackamas. Hostility by both sides, the threat of strike, and lengthy collective bargaining were exacting a heavy toll. In 1979 agreement on the contract had not been reached until after Christmas.

Introduction of the Model

Gerald Hesling, currently director of personnel, was at that time on the staff and participated in collective bargaining. He recalls that the bargaining was like the kind of negotiations we see on television. Both sides were in very hostile positions, glaring at each other across the table, and carrying on. Hesling says, "It was confrontational. There was no attempt at problem solving. It was very difficult, and the negotiations were exceedingly long and arduous."

Charles felt that the district was ready for a different approach. When he was interviewed, he thinks, one of the things that appealed to the board was his success with employee relations in North Clackamas. The board was ready for a different approach. So he was able to introduce the process to the teachers association.

Charles observes, "The first year I was not optimistic that it would work at all." However, he did have an advantage; Lake Oswego, when they finally did settle, had settled for a three-year contract, making it unnecessary to negotiate the first year. This gave him one year to have monthly meetings with the association using his different approach. Hesling observes:

He came with the idea that the types of collective bargaining

> sessions we had had do not have to happen. They can be problem solving situations, and we can deal with each other as human beings, as professionals, as adults. We can resolve to solve the problems that exist and talk about the things that we can do and can't do.

That year, Charles points out, allowed him time to get acquainted with the teachers and for them to get acquainted with him. The teachers learned that he was sincere about having an open relationship and involving them in appropriate decision-making. As might be expected, the teachers came to the first meetings with many reservations and skepticism. Success in negotiating one minor item--tuition reimbursement for people who are less than full time--was important in letting the association know that the new superintendent was serious about trying to resolve problems.

Jeanne Mackie, North Clackamas Education Association president, pointed out that Charles and his model made many Lake Oswego teachers uncomfortable because they were not used to this management style. Lake Oswego teachers were willing to try, but wanted to check with the North Clackamas people about what it really had been like. The answers from the North Clackamas association were reassuring.

Not surprisingly, when Charles introduced his model of bargaining, on occasion he did have to draw the line. He said, "There were times when I had to say, 'Hey, you are not administrators; I have my job and you have yours. We will work together where we can'."

Charles cautions anyone who is starting the practice to have patience. In the initial stages, the administrative team will hear many isolated complaints; for example, one teacher is having a difficulty or misunderstanding. "It is necessary to listen to them, but it is also necessary to work with the association so that they understand that the purpose of the meetings is to talk about a general problem--a district-

wide or a schoolwide problem," Charles stresses.

When he first came to Lake Oswego, Charles also had to spend much time with the administrators who sit with him, so they would not lose patience. The administrators were frustrated because the teachers did not go through channels. Patience has paid off, because now the small problems do go through channels and are resolved at the level that is closest to them.

Roy Schreiber, past president of the Lake Oswego Education Association and negotiations team member, said of those first years:

> I think that if Don had not really kept with it--and he certainly had reason to be discouraged early because of things that were going on when he first became superintendent--nobody would have blamed him if he had given up at that time. But he kept with it, and I think that proved beneficial to all of us.

A Smaller Administrative Team

The team representing the Lake Oswego School District is much smaller than the team in North Clackamas. Lake Oswego's team has been reduced to only three people: the superintendent, the assistant superintendent, and the personnel director. The principals do not sit at the table as they do in North Clackamas.

Absence of principals from the administrative team initially caused a problem. Charles said he made a mistake when he first came to Lake Oswego, because he did not have the administrative team report to the administrative staff, particularly principals. He said that he took it for granted that they would know what was going on. Reports were made to the board and to the teachers, but since reports were not made to principals, they became insecure. Charles stresses that it is very important for anyone starting this to keep all administrators informed of everything that is happening.

Accordingly, Charles now shares the proposals that the teachers make

with the principals. He solicits their reactions as to how the proposals would affect them and their buildings. If principals have concerns about any parts of the contract that they think should be bargained, they are encouraged to communicate their concerns to the other district administrators.

Teachers Add Observers

The teachers' team has been composed of two teachers, Barbara Whitaker and Roy Schreiber, and their spokesperson, Roy Dancer, UniServ representative for the Willamette Falls Bargaining Unit. Recently, because of concerns that the teachers' team was being coopted by the administration, four additional people were chosen to sit as observers and resource people. These observers are representatives from elementary, junior high, and high school levels and special services. Charles commented:

> The observers now feel very comfortable, and I think the rest of the teachers do too because the report said, "They are representing us well. They just don't have to fight to get it."

After the last negotiations, Hesling, the district's personnel director, and the officers of the teachers association sat at the table and presented a joint explanation of the contract language. Hesling said their joint presentation "gave a great deal of credibility to the process. There were no surprises--we rehearsed that ahead of time. I knew what they were going to say, and they knew what I was going to say." This cooperation was well received by the teachers.

The Monthly Meetings

The meetings are held around a dining room sized table in the superintendent's office, which, with its upholstered chairs, provides a comfortable, but not spacious, work setting. Even though they are

crowded, the teachers prefer to meet there. Charles said that they once tried meeting in the board room, but that was too cold and impersonal. During the meetings, they do not sit on opposite sides of the table, but are dispersed around it. This physical configuration is symbolic of the process itself--breaking down barriers between "us" and "them" and working together to solve mutual problems.

The association president prepares the agenda for the monthly meetings. Most of the items on the agenda come from the association. However, whenever Charles thinks that the association can assist him in making the district a better operation, he will bring the issue up. He says this has occurred on many occasions. The teams receive the agenda about two days before the meetings, so they have time to prepare. Charles conducts the meetings.

As he did in North Clackamas, Charles feels that there are some risks when the superintendent is involved as he is in the bargaining process.

> I think the superintendent has to be sensitive--looking for signs when participation in the bargaining process would hurt effectiveness. I watch for that. I ask my personnel director who sits in on all of these sessions to watch for that also. I told both sides if it becomes evident that I am not going to be an effective superintendent because of my involvement in collective bargaining, then I will remove myself.

He thinks it is possible that there could be a time when that could happen.

Charles explains that the bargaining is not always soft; at times the two sides go at it quite heavily. Schreiber, teacher negotiating team member, says that from his viewpoint they still argue their cases just as strongly as ever. "Quite honestly we have gone nose to nose more than once since this process was started; still as long as you have respect for each other when it is over, it is over. You don't hold

grudges," according to Schreiber.

If a proposal is rejected by either side, the one that says no makes a sincere effort to explain why the proposal has been rejected. There have been some issues that the teachers felt very strongly about. But when the administration's team is able to demonstrate what it would do to the administration districtwide, the teachers have pulled back. The administration's team has also pulled back in some instances after hearing what a proposal would do to the teachers. Charles states:

> So there is a bargaining atmosphere in which we try to be very, very open. Rather than hold the cards back, we try to get them all out on the table. If we want to buy something by giving something up, we are pretty open about it. We will say, "We are prepared to give that, but you are going to have to give us something in return" We laugh about that, and then do it. It has enabled us to get a lot more done in the classroom by not spending all of our time on the negotiation process. We are hoping that will continue.

Smooth Negotiations

Instead of spending months trying to reach an agreement, negotiations have proceeded more smoothly and rapidly. Two years ago settlement was reached after a total of about twenty-five hours at the table. Of course, the monthly meetings have helped smooth actual negotiations.

Another factor that has helped negotiations proceed more smoothly and rapidly is that both teams were made up of the same people during the negotiations in 1981-82, when a one-year contract was signed, and in 1982-83, when a two-year contract was ratified. This continuity of team members has facilitated the process, because it is not necessary to orient new people.

In this year's negotiations, now in progress, the administration's team is unchanged, though there have been changes on the teachers team. Roy Dancer, UniServ representative from Willamette Falls Bargaining Unit, remains as spokesperson. Hesling believes the continuity on the admini-

stration's team is a benefit, because teachers do not have to spend time trying to figure out new administrators' positions and methods of operation.

Improved Attitudes

Everyone who has been involved in the process speaks of the trust that has developed. Schreiber says:

> It certainly involves a good deal of trust on both sides, which to date no one has never proved that it has not been worthwhile. So far as the teachers go, I think that they have all felt that things are much happier throughout the district. There is a better feeling about things. It is not always butting each others heads or that type of thing. It is a matter of seeing potential problems and solving them before they become big problems.

Hesling says that there has been a complete turnaround. He adds, "I think it has made the administration of the contract that much easier because there is an aura of trust that exists." Because of the distrust that existed in the past, he was frequently challenged about contract interpretation. Now he may be questioned about a decision, but he is seldom challenged. He says, "The entire district views the process now as one of problem solving."

Because of the improved attitude within the district, Hesling said that he or any administrator can walk into any of the buildings and feel very comfortable and be greeted warmly by the staff. Administrators used to walk into a staff room and have people turn away or ask them what they wanted in the building. He said, "It is a general attitude throughout the district that we are welcome in their habitat, and they are welcome in ours."

Only one grievance has gone to arbitration since Charles became superintendent, and that was resolved in favor of the district. Hesling says that the association held no animosities as the result of that

resolution. The arbitration process is viewed as another step in problem solving. There have, of course, been grievances, but they have been resolved at the lowest level.

Charles says that the association has assisted him in making the district a better operation. He said that they have worked very cooperatively to obtain early retirement for two teachers who had health conditions that were not readily apparent. Whenever teachers are placed on plans of assistance, the association is invited to come in and be involved. The association is invited to meet with the administrators to go over the plan of assistance and to be present with the teacher when the evaluations are made. There was one occasion when the association counseled a teacher to resign. It would otherwise have been necessary for the administration to have dismissed this teacher.

There have been two instances when teachers have been charged with felonies. Charles said the association worked very cooperatively with the administration to remove these teachers from the classroom with a minimum of public attention. He enthusiastically stated, "It has been super!" In similar incidents in other districts close to Lake Oswego, the teachers have fought to keep the charged persons in the classroom, and there has been much unfavorable publicity.

Recommendations to Other Superintendents

Charles advises any superintendent who wants to adopt the process to work with the association officers and to establish some kind of beginning point that involves meetings on a cooperative basis for some purpose. The meetings could be the monthly meetings as he has, or they could be meetings to work cooperatively on a selected topic. He believes it is important that the beginning point should be something less formal and less binding than a negotiated contract. "You must do this on a

regular basis, so that you can demonstrate your honesty and your trust." He states that the superintendent also needs to demonstrate that when a decision to take a position of "no" is made--that is it. The superintendent should, however, be willing to tell the reasons for taking that position. Charles stresses, "But I believe that there has to be the establishment of cooperative working relationships before you can get to the formal things that are going to improve documents." He emphasizes how fortunate he was in having the year in Lake Oswego when he did not have to bargain and was able to have the informal meetings that overcame the teachers' doubts.

Hesling added, "The credibility of the superintendent or whoever does this is of vital importance. If the superintendent had no credibility, the system would never work." Later Schreiber, teacher negotiating team member, said almost the same thing: "The superintendent has to trust the teachers, and the teachers have to trust him. There has to be a reason for that trust or it will fall apart."

"You have to sincerely want to do it and be honest," Charles observed.

In addition, it is important for a superintendent to keep the board informed. Charles says, "There is a natural tendency for the board to wonder, 'What in the world is our superintendent and staff doing behind those closed doors every month with our association?'" It is also important for the association to keep the teachers informed.

"There were times in the early stages when someone who had not been through it would say, 'Why are we doing this?' You have to be ready to have some patience, too," Charles noted. It is necessary to recognize that it is a learning process. Hesling added, "There are annoyances that you go through that continue all the time. They are still there, but I

tell you they are minimal."

(Some advice for teacher association leaders is included in Appendix A.)

Transportability of the Process

Schreiber said that the process is being used throughout the Willamette Falls Bargaining Unit, which includes Oregon City and West Linn, as well as Lake Oswego. He is not sure if the other school districts have monthly meetings, but the problem-solving approach to negotiations is used.

In 1983, Larry Nyland, superintendent of Pasco, Washington, School District No. 1, heard about the process that Charles had initiated. Nyland, his assistant superintendent, their local association president, and an official from the Washington Education Association visited Lake Oswego and the other school districts in the Willamette Falls Bargaining Unit. Nyland and his assistant spent time with Charles and the two other superintendents, while the association people spent time with people from the bargaining unit. Then they all met together. A letter from Nyland in Appendix B describes the success of the process in Pasco. The process is transportable.

North Clackamas Modifies the Model

When Don Charles chose to go to Lake Oswego, the North Clackamas School Board appointed Ben Schellenberg superintendent. Schellenberg, formerly a member of the district's administrative staff, was committed to the continuation of the process. Under his direction the process has been altered by three changes: addition of a board member to the administration's team, keeping minutes of the monthly meetings, and use of ground rules for the monthly meetings.

Board Member Joins Team

Schellenberg believed that the bargaining process could be improved by adding a board member to the administration's team at the monthly meetings. This same board member is also on the bargaining team, though the board member is not the team's spokesperson. Tom Everitt, personnel director, said that this allows one person to hear and interpret the discussions as a board member would rather than from the perspective of administrators.

> If the rest of the board wants to know how a board member is interpreting some item directly, rather than how management is interpreting what is being said, that board member has the opportunity to carry that communication back directly.

Betty Drew, past president of the teachers association, noted that, prior to the board member's participation, the teachers team on one occasion asked for a special meeting with the board to make a presentation, because they wanted to make sure the board was receiving the statistical information the teachers were presenting. Now, because a board member is on the team, a special presentation to the board would probably not be requested.

Drew also pointed out that another probable value in having a board

member attend the meetings would be to respond when some people in the community might say, "We hear some very weird things go on at those meetings, and the teachers have too much say." The board member who was present can say, "I was there, I know actually what happened."

Minutes and Ground Rules

Schellenberg started having minutes of the monthly meetings kept because "this gives us a historical record of the issues that were talked about, and the conclusion and agreements that were reached."

Ground rules for the monthly meetings have been established to define the issues that may be brought up: (1) contract clarification and interpretation, (2) operational matters, (3) limited contract language changes, and (4) general concerns about contract administration. Drew said that contract clarification helps the association and adminstration to work through just where the contract language will lead them. Discussion of interpretations at the monthly meetings has avoided many problems, as Schellenberg points out:

> I can interpret it one way, and it seems perfectly logical. I could convince you that that is absolutely the way it should be interpreted. Then the teaching staff would say, 'Wait a minute, what are you doing? Let's get the bigger picture.' That has happened many times, and that is one of the values of this kind of process.

Operational matters are concerned with such things as heat in a building.

At times, by mutual agreement, limited changes have been made in the contract language. The discussions on general concerns about contract administration have helped to solve problems before they fester into major issues.

The Bargaining Team and Process

The monthly meeting teams in North Clackamas continue to be quite

large. The total group varies between fifteen to twenty people, including seven to fifteen representatives from the association and five or six administrators. Because of the new people that become part of the team every year, Schellenberg carefully orients all members each fall.

It is customary for an issue to be raised in one meeting and then decided at the next. This lag allows consideration of the issue. It also allows either the teachers or the administrators to get back to the people they represent to determine a position if this is needed.

Since the group is fairly large, they have agreed at times to have subcommittees work on projects. The subcommittees then report back the following meeting.

Decisions are made by consensus. If they cannot arrive at a consensus, they agree to disagree and then move on to some other areas.

Meetings are not held for the sake of holding a meeting. If there is nothing on the agenda, the meeting is cancelled. Cancellation of a monthly meeting is more likely to happen during negotiations, when the lines of communication are open.

Whereas the process in Lake Oswego has speeded up, North Clackamas people do not point to shortened negotiations as a result of the process. Some years the parties have settled quite rapidly. However, the past two bargaining sessions have involved some very difficult issues such as declining enrollment, tight budgets, and reduction in force. Jeanne Mackie, president of the North Clackamas Education Association, says:

> We have been in factfinding; we have rejected a factfinder's report. I think all we can say is that the process has helped us to work things through. I don't think it is going to be a panacea; if you are hard money bargaining, this does not generate the dollars for you.

Drew pointed out that the process is basically determined by the

administration, and bargaining has often been hung up between the teachers and the board. Drew claims that in the most recent negotiations the board had more ambitious goals for bargaining than the teachers could handle; the board would probably say the same about the teachers' goals.

Everett said, "We can't brag about our speed; we will brag about our accuracy." Their accuracy is evidenced by the few grievances that have come from the contract.

Benefits of the Process

Most of the grievances that do come up are resolved at lower levels, according to Drew, because both the district teachers and the administrators are used to problem solving. She stresses, however, that both sides have tried hard to make sure that nothing was done in the meetings that would destroy a grievance in progress. So even though a grievance may be discussed in the meetings, the grievance process is able to continue in its own right when necessary.

Schellenberg is committed to communication. Speaking of the monthly meetings, he says:

> It is a good way to get the communication going. One of the principles I talk about is that we may not always agree on every issue. Obviously we won't, but that does not mean we cannot sit down and talk about it and enjoy a good working relationship. We are going to have some differences. That is a given. But how we deal with those differences is what I believe to be crucial in this process. I think it has avoided a lot of misunderstanding. I think it has avoided some mistrust. I also think it is an opportunity for us to talk about some of the positive things that have been going on--I think it is important for the employees that we stop and say, 'Thanks for doing a good job.' This is a forum where we can do that.

The trust and respect that have developed for each side is considered a major benefit by the two groups. Drew said that one of the most useful things is that almost all the time the two sides at the table have treated each other with respect. Mackie agrees: "Even though both sides

may take very definite positions, very firm positions, it is not done in the negative way that I have sensed occurs in other districts." Everitt paraphrased the attitude, saying, "Let's agree that we may disagree, but let's agree not to be disagreeable."

Schellenberg, speaking about the respect, the appreciation of the viewpoint of others, and the atmosphere that has developed, said, "We as educators try to teach our kids those principles in the classroom; we had better practice them ourselves."

Conclusion

A fitting capstone to this account of an innovative approach to collective bargaining is the following story told by Tom Everitt, personnel director of North Clackamas School District:

> When I was on the bargaining committee for teachers years ago, the spokesman for our committee was reporting back to the teachers in a ratification meeting. One of the very militant, dissenting teachers in the group stood up and said to the chief negotiator, "Did you get everything that is there?"
>
> There was a little bit of tittering in the audience. The guy that was the chief negotiator said, "Let me tell you a little analogy. Outside my dining room window there is a rose, and it blooms with pretty roses on it all summer long. Any time I want to, I can go out and get everything that is there. The way to do it is you yank the rose bush right out of the ground. You bring it into the house with you, and you got everything that was there." He said, "I have never chosen to do that. I go out and carefully pluck what I need off of that rose bush and bring it in the house and enjoy it. But I always leave the rose bush intact, so there will be more next year when I go back to get something again." The negotiator concluded, "I use that analogy about bargaining. Perhaps we could have picked them cleaner this year than we did in previous years, but what would that have left for us for next year if we have to go in with that kind of militancy to get it?" He got a standing ovation from the crowd.
>
> It is the same way now that I am bargaining for management. You can go in and beat a teacher team down. You can beat any team into submission once and get what you want just by continuing to stick to your point and hopefully wear them down, but that will never happen again. They will not let it happen again; their membership will take them on about what a beating they had. What does that get you in the long run in collective bargaining?

Don Charles, Lake Oswego's suprintendent, concludes; "It doesn't seem very startling--just to sit down and start to talk about problems doesn't sound that exciting, but I think it is." It is exciting to see roses being cultivated in North Clackamas and Lake Oswego School Districts.

Interviews

Lake Oswego School District 7J

Donald L. Charles, superintendent, Lake Oswego School District 7J, Lake Oswego, Oregon. Interview, January 9, 1985.

Gerald Hesling, personnel director, Lake Oswego School District 7J, Lake Oswego, Oregon. Interview, January 9, 1985.

Roy Schreiber, past president, Lake Oswego Education Association, and teacher, Lake Oswego Senior High School, Lake Oswego School District 7J, Lake Oswego, Oregon. Interview January 9, 1985.

North Clackamas School District 12

Betty Drew, past president, North Clackamas Education Association, and retired teacher, North Clackamas School District 12, Milwaukie, Oregon. Interview, February 5, 1985.

Tom Everitt, personnel director, North Clackamas School District 12, Milwaukie, Oregon. Interview, February 5, 1985.

Jeanne Mackie, president and past president, North Clackamas Education Association, and teacher, North Clackamas School District 12, Milwaukie, Oregon. Interview, February 5, 1985.

Ben A. Schellenberg, superintendent, North Clackamas School District 12, Milwaukie, Oregon. Interview, February 5, 1985.

References

"Bargaining Sours If Negotiator's A Lemon," Updating School Board Policies a component of the Educational Policies Service of the National School Boards Association, July/August 1978.

Charles, Donald L. "Public Employee Bargaining: Emerging Trends," North Clackamas School District, Milwaukie, Oregon, presentation at the National School Boards Association annual convention, Anaheim, California, April 2, 1978.

"Year-round Negotiations Work for North Clackamas District," Oregon School Study Council Quarterly Report, Eugene, Oregon: Winter, 1977.

Appendix A

Some Advice to Other Teacher Leaders

Roy Schreiber points out that it is helpful when this process is initiated if the teachers' team has some long-time, respected members. This, of course, increases the credibility of the team both with the membership and with the administration.

Betty Drew believes that it is critical for teachers in all districts that use this method to have developed enough strength to make sure that they do not end up being coopted. She thinks that it could be harder for a small group to maintain their own identity as a group unless they remind themselves that this must not happen. "If the teachers' group loses its identity, the process becomes useless because then it becomes nothing but a way for them to be indoctrinated with administrative rationale," she stated.

She also said that it is extremely important that "the teachers should not be debating the issue among themselves in the middle of the meeting with the administration." This is hard to watch for and avoid doing, but Drew says, "If it ever begins to be the regular order of the day--the ballgame is lost."

Appendix B

PASCO SCHOOL DISTRICT NO. 1

TELEPHONE (509) 547-9531

ADMINISTRATION BUILDING
1004 NORTH 16TH
PASCO, WASHINGTON 9930

September 13, 1983

Dr. Donald Charles
Superintendent of Schools
Lake Oswego School District
Box 70
Lake Oswego, OR 97034

Dear Don:

Thought I'd send a followup note to let you know about our success with Sophisticated Bargaining. Both the district and the Association agreed to try Sophisticated Bargaining as we understood it, after visiting with your district and the surrounding districts.

Enclosed is a copy of our initial guidelines. We completed bargaining after 23 hours of sessions and reached, as we heard in Oregon, an agreement which both sides felt was beneficial and, we reached an agreement before the end of June; something unheard of in recent years here in Pasco.

Since then colleagues from across the state have expressed a great deal of interest in the process that we've used. Many of our colleagues initially said that it couldn't be done, but now are saying, if it can work in Pasco it just might work anywhere. At the conclusion of our bargaining sessions, teachers in Richland expressed interest in using a similar process there, and I'm pleased to report that Marv Evans reached a speedy settlement in Richland using a similar process.

We've been asked to report on our process to the Governor's Task Force on Education, the local chapter of Phi Delta Kappa, and our local personnel administrators' co-op.

Thanks for being so generous with your time and getting us started on a process which has insured a very favorable start to the 1983-84 school year.

Sincerely,

Larry

Larry L. Nyland
Superintendent of Schools

LLN/jrp
Copy to: Doug Kernutt